



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Yong-Li RUAN et al.

Application No.: 10/003,405

Filing Date: December 6, 2001

Title: MODIFICATION OF SUCROSE SYNTHASE GENE  
EXPRESSION IN PLANT TISSUE AND USES THEREFOR

Group Art Unit: 1638 ✓

Examiner: Russell Kallis

Confirmation No.: 5391

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ Terminal Disclaimer(s) and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☐ Also enclosed is/are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the  
☐ \$385.00 (2801) ☐ \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered.  
Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_,  
for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_,  
which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R.  
§ 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims		MINUS =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims		MINUS =	0	x \$86.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0.00</b>

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

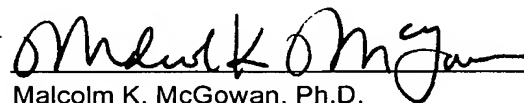
Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: April 26, 2004

By



Malcolm K. McGowan, Ph.D.

Registration No. 39,300



Patent  
Attorney's Docket No. 021565-110

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	Group Art Unit: 1638
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Application No.: 10/003,405	)	Confirmation No.: 5391
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	)	
For: MODIFICATION OF SUCROSE	)	
SYNTHASE GENE EXPRESSION IN	)	
PLANT TISSUE AND USES	)	
THEREFOR	)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Official Action mailed March 24, 2004, requiring restriction under 35 U.S.C. §121, Applicants hereby elect, albeit with traverse, claims 1-3, 8-17 and 21-30.


According to MPEP 803, restriction is not proper where “the search and examination of an entire application can be made without serious burden, ...even though it includes claims to independent or distinct inventions.” MPEP 800-3-4. Applicants respectfully submit that, as both groups of claims relate to altering the level of sucrose synthase expression in cotton, a complete search for both groups would necessarily overlap. Consequently, it would not be an undue burden for the Examiner to examine all of the claims of record.

From the foregoing, rejoinder of Groups I and II, an early and favorable consideration of all of the claims of record on the merits is respectfully requested.

In the event that there are any questions relating to this application, the Examiner is respectfully requested to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:   
Malcolm K. McGowan, Ph.D.  
Registration No. 39,300

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Date: April 26, 2004